

## U.S. DEPARTMENT OF COMMERCE PATENT &amp; TRADEMARK OFFICE

#3

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|---|--|--|--|---|--|
| B/O Form PTO-1390   |  | <b>Transmittal Letter to the United States<br/>Designated/Elected Office (DO/EO/US)<br/>Concerning a Filing Under 35 USC 371</b> |  | Attorney's Office Number<br>VIER3001/FJD  |  |
| International Application Number<br><b>PCT/EP03/03720</b>   |  | International Filing Date<br><b>April 10, 2003</b>   |  | U.S. Application Number (if known)<br><b>10/509,750</b><br>Priority Date Claimed<br><b>April 12, 2002</b> |  |
| Title of Invention<br><b>MEASURING DEVICE FOR LIQUID AND/OR GAS ANALYSIS</b>  |  |  |  |   |  |
| Applicant(s) for DO/EO/US<br><b>Axel VIERKÖTTER and Detlev WITTMER</b>  |  |  |  |   |  |
| <b>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items under 35 USC 371:</b>   |  |  |  |   |  |
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under <i>35 USC 371</i>.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under <i>35 USC 371</i>.</li> <li>3. <input type="checkbox"/> This express request to begin national examination procedures (<i>35 USC 371(f)</i>) at any time rather than delay examination until the expiration of the applicable time limit set in <i>35 USC 371(b)</i> and PCT Articles 22 and 39(1).</li> <li>4. <input type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed <i>35 USC 371(c)(2)</i>.             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> has been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> A translation of the International Application into English (<i>35 USC 371(c)(2)</i>).</li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (<i>35 USC 371(c)(3)</i>)             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> have been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (<i>35 USC 371(c)(3)</i>).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (<i>35 USC 371(c)(4)</i>). (<input checked="" type="checkbox"/> Executed <input type="checkbox"/> Unexecuted)</li> <li>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (<i>35 USC 371(c)(5)</i>).</li> </ol> <p><b>Items 11 to 16 below concern other document(s) or information included:</b></p> <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under <i>37 CFR 1.97</i> and <i>1.98</i>.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with <i>37 CFR 3.28</i> and <i>3.31</i> is included.</li> <li>13. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li>14. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and U.S.C. 1.821 - 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input type="checkbox"/> Other items or information:</li> </ol> |  |  |  |   |  |

|   |                     |  |               |  |                     |
|---|---------------------|--|---------------|--|---------------------|
| <i>Application Number (if Known)</i><br><b>10/509,750</b>   |                     | <i>International Application Number</i><br><b>PCT/EP03/03720</b> |               | <i>Attorney's Docket Number</i><br><b>VIER3001/FJD</b> |                     |
|   |                     |  |               | <b>Calculations</b>                                    | <b>PTO USE ONLY</b> |
| 1. The following fees are submitted:<br><b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b><br><input type="checkbox"/> Neither International Preliminary Examination Fee (37 CFR 1.482) nor International Search Fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$1080.00<br><input type="checkbox"/> Search report has been prepared by the EPO or JPO ..... \$920.00<br><input type="checkbox"/> International Preliminary Examination Fee paid to USPTO (37 CFR 1.482) ..... \$730.00<br><input type="checkbox"/> No International Preliminary Examination Fee paid to USPTO (37 CFR 1.482) but International Search Fee paid to USPTO (37 CFR 1.445(a)(2)) ..... \$770.00<br><input type="checkbox"/> International Preliminary Examination Fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00 |                     |  |               |  |                     |
| <b>ENTER APPROPRIATE BASIC FEE AMOUNT</b>   |                     |  |               | <b>\$</b>  |                     |
| Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).  |                     |  |               |  |                     |
| <b>CLAIMS</b>   | <b>NUMBER FILED</b> | <b>NUMBER EXTRA</b>  | <b>RATE</b>   |  |                     |
| Total Claims  | 7      -20 =        |  | × \$18.00     |  |                     |
| Independent Claims  | 1      -3 =         |  | × \$86.00     |  |                     |
| Multiple Dependent Claims (if applicable)   |                     |  | + \$290.00    |  |                     |
| <b>TOTAL OF ABOVE CALCULATIONS</b>  |                     |  |               | <b>\$</b>  |                     |
| Reduction by ½ for filing by small entity, if applicable. Small Entity Status is asserted pursuant to 37 CFR 1.27 for this application.   |                     |  |               |  |                     |
| <b>SUBTOTAL</b>   |                     |  |               | <b>\$</b>  |                     |
| Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |                     |  |               |  |                     |
| <b>TOTAL NATIONAL FEE</b>   |                     |  |               | <b>\$      130.00</b>                                  |                     |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property.  |                     |  |               |  |                     |
| <b>TOTAL FEES ENCLOSED</b>  |                     |  |               | <b>\$      130.00</b>                                  |                     |
|   |                     |  | Amount to be: | Refunded:  |                     |
|   |                     |  |               | Charged:   |                     |

- a. ☒ A check in the amount of **\$ 130.00** to cover the fees is enclosed.
- b. ☐ Please charge my **Deposit Account Number 02-0200** in the amount of **\$** to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to **Deposit Account Number 02-0200**. A duplicate copy of this sheet is enclosed.

Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

**23364**

Customer Number  
Phone: (703) 683-0500

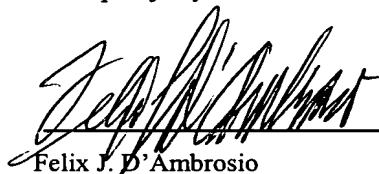
DATE: May 18, 2005

05/20/2005 SNAJARRO 00000059 10509750

01 FC:1617

130.00 OP

Respectfully submitted,



Felix J. D' Ambrosio  
Attorney for Applicant

Registration Number: 25,721



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

|   |  |                                  |
|---|--|----------------------------------|
| U.S. APPLICATION NUMBER NO.<br>10/509,750 | FIRST NAMED APPLICANT<br>Axel Vierkotter | ATTY. DOCKET NO.<br>VIER3001/FJD |
|---|--|----------------------------------|

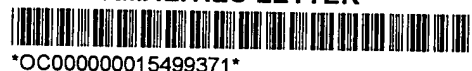
|   |
|---|
| INTERNATIONAL APPLICATION NO.<br>PCT/EP03/03720 |
|---|

|                               |                             |
|-------------------------------|-----------------------------|
| IA. FILING DATE<br>04/10/2003 | PRIORITY DATE<br>04/12/2002 |
|-------------------------------|-----------------------------|

23364  
BACON & THOMAS, PLLC  
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ALEXANDRIA, VA 22314

*VIER3001*  
Date 03/23/2005 Atty. FJD  
Action Due Response to Missing Requirements  
Deadline 05/18/2005  
Final Deadline 10/18/2005  
Based on \_\_\_\_\_

CONFIRMATION NO. 8314  
371 FORMALITIES LETTER



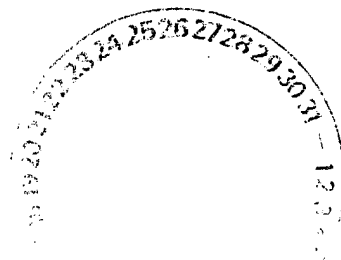
\*OC000000015499371\*

Date Mailed: 03/18/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/30/2004
- English Translation of the IA filed on 09/30/2004
- Copy of the International Search Report filed on 09/30/2004
- Preliminary Amendments filed on 09/30/2004
- Information Disclosure Statements filed on 09/30/2004
- Oath or Declaration filed on 09/30/2004
- Request for Immediate Examination filed on 09/30/2004
- U.S. Basic National Fees filed on 09/30/2004
- Priority Documents filed on 09/30/2004



The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

• SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/509,750                  | PCT/EP03/03720                | VIER3001/FJD     |

FORM PCT/DO/EO/905 (371 Formalities Notice)